

ORIGINAL

OPEN MEETING ITEM



COMMISSIONERS
KRISTIN K. MAYES - Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP



0000118510

EXECUTIVE DIRECTOR

ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

OCT 1 2010

DATE: OCTOBER 1, 2010

DOCKET NOS.: W-01902A-09-0293 and W-01902A-10-0082

TO ALL PARTIES:

DOCKETED BY	<i>mm</i>
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Enclosed please find the recommendation of Administrative Law Judge Marc E. Stern.
The recommendation has been filed in the form of an Order on:

TIMBER KNOLL HOMEOWNERS ASSOCIATION, INC. dba
T.K. WATER SERVICE
(EXTENSION OF TIME DEADLINE CONTAINED
IN DECISION NO. 71838)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

OCTOBER 12, 2010

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

OCTOBER 19, 2010 and OCTOBER 20, 2010

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

AZ CORP COMMISSION
DOCKET CONTROL

2010 OCT 1 - 4:45

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[Signature]
ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 KRISTIN K. MAYES, Chairman
4 GARY PIERCE
5 PAUL NEWMAN
6 SANDRA D. KENNEDY
7 BOB STUMP

8 IN THE MATTER OF THE APPLICATION OF
9 TIMBER KNOLL HOMEOWNER'S
10 ASSOCIATION, INC. DBA T.K. WATER
11 SERVICE FOR APPROVAL OF A RATE
12 INCREASE.

DOCKET NO. W-01902A-09-0293

13 IN THE MATTER OF THE APPLICATION OF
14 TIMBER KNOLL HOMEOWNER'S
15 ASSOCIATION, INC. DBA T.K. WATER
16 SERVICE FOR APPROVAL OF A
17 CURTAILMENT TARIFF.

DOCKET NO. W-01902A-10-0082

DECISION NO. _____

**ORDER NUNC PRO TUNC AND
EXTENSION OF FILING DEADLINE
CONTAINED IN DECISION NO.
71838**

13 Open Meeting
14 October 19 and 20, 2010
15 Phoenix, Arizona

16 **BY THE COMMISSION:**

17 Having considered the entire record herein and being fully advised in the premises, the
18 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

19 **FINDINGS OF FACT**

20 1. On June 4, 2009, Timber Knoll Homeowner's Association, Inc. dba T.K. Water
21 Service ("Company" or "Applicant") filed with Arizona Corporation Commission ("Commission")
22 an application for an increase in its permanent rates and charges.

23 2. On March 4, 2010, while the rate case was pending, the Company filed an application
24 requesting approval of a proposed form of Curtailment Tariff in Docket No. W-01902A-10-0082.¹

25 3. On March 8, 2010, a Recommended Order was issued in the Company's rate case
26 proceeding in Docket No. W-01902A-10-0293.

27 ¹ The Company filed its application requesting approval of its Curtailment Tariff in response to the Staff Report
28 filed on February 17, 2010, in the rate case, in which Staff had recommended that the Company file, within 45 days of an
effective date of a Decision in that case, a Curtailment Tariff for Staff's approval.

4. On April 2, 2010, Staff filed a Motion to Consolidate the two proceedings then pending before the Commission.

5. On April 7, 2010, by Procedural Order, the rate case proceeding and the curtailment tariff proceeding were consolidated. However, inadvertently, the caption on the Recommended Order was not modified to reflect the consolidation of the two dockets.

6. On August 10, 2010, the Commission issued Decision No. 71838 in Docket No. W-01902A-09-0293 which approved the application of Company for an increase of its permanent rates and charges.

7. Pursuant to Decision No. 71838, the Company was ordered to file, on or before September 1, 2010, a revised rate schedule which set forth its newly authorized rates and charges that had been approved by the Commission.

8. On September 10, 2010, the Utilities Division (“Staff”) contacted the Company’s secretary with respect to the Company’s failure to file its new revised rate schedule with the Commission, and at that time a request was made for a 45 day extension in order to comply with this requirement of the Decision.

9. On September 10, 2010, Staff filed the Company's request for an extension of time to file its revised rate schedules.

10. On September 13, 2010, Staff filed a memorandum which indicates that Staff has no objections to the Company's request and recommends approval of a 45 day extension, until October 25, 2010, for the Applicant to file its revised rate schedule.

11. The Company's request for an extension of time to file its revised rate schedule is reasonable and should be granted. Also, the caption on Decision No. 71838 should be corrected *nunc pro tunc* to include both dockets.

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§40-250 and 40-251.

2. The Commission has jurisdiction over Applicant and the subject matter of the application and the request for an extension of time to comply with Commission Decision No. 71838

1 and for the correction of the caption *Nunc Pro Tunc*.

2 **ORDER**

3 IT IS THEREFORE ORDERED that Decision No. 71838 is hereby amended, *Nunc Pro Tunc*
4 to reflect the consolidated docket which includes the above captions and includes Docket Nos. W-
5 01902A-09-0293 with respect to the rate case proceeding and Docket No. W-01902A-10-0082 with
6 respect to the Company's request for approval of its Curtailment Tariff.

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1 IT IS FURTHER ORDERED that Timber Knoll Homeowner's Association, Inc. dba T.K.
2 Water Service shall be granted an extension of time, until October 25, 2010, to file its revised tariff
3 which reflects the rates and charges authorized by the Commission in Decision No. 71838.

4 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.
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8 CHAIRMAN

COMMISSIONER

9
10 COMMISSIONER

COMMISSIONER

COMMISSIONER

11 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
12 Executive Director of the Arizona Corporation Commission,
13 have hereunto set my hand and caused the official seal of the
14 Commission to be affixed at the Capitol, in the City of Phoenix,
15 this ____ day of _____, 2010.

16
17 ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

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19 DISSENT _____
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21 DISSENT _____
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1 SERVICE LIST FOR: TIMBER KNOLL HOMEOWNER'S ASSOCIATION,
2 INC. dba T.K. WATER SERVICE

3 DOCKET NOS.: W-01902A-09-0293 and W-01902A-10-0082

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